

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>COURTNEY J. LEHMEN,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. CIV-14-897-R</b>
	)	
<b>STATE OF OKLAHOMA et al.,</b>	)	
	)	
<b>Respondents.</b>	)	

**REPORT AND RECOMMENDATION**

Petitioner Courtney J. Lehmen, a state prisoner appearing pro se, filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 and concurrently sought leave to proceed *in forma pauperis* (Doc. Nos. 1, 2, 6). This matter was referred to the undersigned for initial proceedings consistent with 28 U.S.C. § 636(b).

The filing fee for this habeas action is \$5.00, as noted on the Court's current fee schedule, which ordinarily would be due before this action was filed. *See* LCvR 3.2. Through his *in forma pauperis* application, Petitioner requested leave to proceed without full prepayment of the filing fee. *See* Doc. Nos. 2, 6; LCvR 3.3, 3.5. On September 23, 2014, the undersigned granted Petitioner leave to proceed without prepayment of the full filing fee. *See* Order (Doc. No. 7). Petitioner was ordered to pay an initial partial filing fee of \$4.32 no later than October 14, 2014. *See* Order at 1; LCvR 3.5. Petitioner was advised that if he failed to pay this initial fee or to show good cause for the failure to pay, then "this action will be subject to dismissal without prejudice to refiling, and no fees or costs will be imposed or collected." Order at 1.

As of the present date, Petitioner has filed nothing further in this action. Petitioner has not paid the initial partial filing fee, shown good cause for failing to do so, or requested an extension of time to comply with the payment deadline.

#### RECOMMENDATION

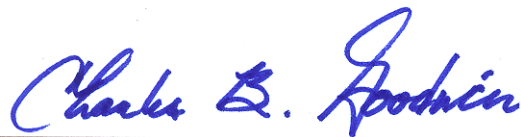
The undersigned therefore recommends that Petitioner's action be dismissed without prejudice to refiling, with no fees or costs imposed or collected. *See* LCvR 3.4(a).

#### NOTICE OF RIGHT TO OBJECT

Petitioner is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by November 13, 2014, in accordance with 28 U.S.C. § 636 and Federal Rule of Civil Procedure 72. Petitioner further is advised that failure to timely object to this Report and Recommendation waives the right to appellate review of both factual and legal issues contained herein. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the undersigned in the present case.

ENTERED this 23rd day of October, 2014.



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CHARLES B. GOODWIN  
UNITED STATES MAGISTRATE JUDGE